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4. In his Complaint, Plaintiff asserts certain claims against Liberty and seeks compensatory damages, punitive damages, statutory bad faith penalty of twenty-five percent (25%) of Plaintiff's claim, cost of this action, and pre and post judgment interest based on what they describe as breach of contract and statutory bad faith claims. (Compl. ¶¶ 21-35.)

II. THIS NOTICE IS TIMELY FILED

5. This notice of removal is timely filed within thirty days of this action becoming removable. *See* 28 U.S.C. § 1446(b) (2011). The Complaint was filed on May 25, 2016 and Liberty was served on June 2, 2016, which is less than 30 days from the filing of this Notice.

III. REMOVAL PROCEDURES

6. Removal of this case is proper under 28 U.S.C. § 1441(a), which provides in pertinent part, that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a) (2011).

7. Venue is appropriate in this Court pursuant to 28 U.S.C. § 1441(a). Liberty seeks to remove this case to the United States District Court for the Eastern District of Tennessee, at Winchester. The Chancery Court of Warren County, Tennessee is located within this District and cases arising from Warren County are properly assigned to the Eastern Division at Winchester of this Court. *See* 28 U.S.C. § 123(a)(1).

8. In compliance with 28 U.S.C. § 1446(a), a copy of all “process, pleadings, and orders” received by Liberty is attached hereto as **Exhibit A**.

9. Defendant has filed this Notice of Removal with this Court, is contemporaneously serving a copy of the Notice of Removal upon Plaintiff, and is filing a copy of this Notice of

Removal in the Warren County Chancery Court pursuant to 28 U.S.C. § 1446(d). A copy of the Notice of Filing Removal that is being filed with Warren County Chancery Court is attached hereto as **Exhibit B**.

IV. THIS COURT HAS DIVERISTY JURISDICTION

10. This Court has original jurisdiction over this action under 28 U.S.C. § 1332, which provides: “The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between – (1) citizens of different States.” 28 U.S.C. § 1332.

11. Pursuant to 28 U.S.C. § 1441(b), “[a]ny other such actions shall be removable only if none of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.”

12. Plaintiff is a resident of Warren County, McMinnville, Tennessee. (Compl. ¶ .)

13. Liberty Mutual Insurance Company is a company organized under the laws of the State of Massachusetts whose principal place of business is 175 Berkeley Street, Suffolk County, Boston, Massachusetts. For purposes of diversity, Liberty is a citizen of Massachusetts. 28 U.S.C. § 1332(c)(1).

14. Accordingly, complete diversity of citizenship exists between the parties because Plaintiff is a citizen of Tennessee, and Defendant is a Massachusetts entity operating out of its principal office in Massachusetts.

15. The amount in controversy requirement is also satisfied. In their Complaint, Plaintiff requests compensatory damages in the amount of \$250,000; punitive damages in the amount of \$2,000,000; statutory bad faith penalty of twenty-five percent (25%) of Plaintiff’s claim, all costs incurred as a result of this action; pre- and post-judgment interest, and attorney’s fees. (*See*

generally Compl. and Prayer for Relief.) The value of the damages claimed regarding the Property exceeds \$75,000.00. Therefore, the Complaint on its face, establishes an amount in controversy in excess of \$75,000.00.

V. CONCLUSION

WHEREFORE, Liberty respectfully requests the above-captioned action now pending in the Warren County Chancery Court of McMinnville, Tennessee, be removed to the United States District Court for the Eastern District of Tennessee, at Winchester, that this Court assume jurisdiction of this action and enter such other and further orders as may be necessary to accomplish the requested removal and promote the ends of justice.

Respectfully submitted,

s/ John R. Wingo

John R. Wingo (BPR No. 16955)

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Company*

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of June 2016, a copy of the foregoing *Notice of Removal* was filed with the Clerk's office and served electronically and/or via first-class U.S. mail, postage prepaid, upon the parties as indicated below. Parties may also access this filing through the Court's ECF system.

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s/ John R. Wingo

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